**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 6233 of 2007**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**RAMESHBHAI CHHAGANBHAI RATHOD**
**Versus**
**STATE OF GUJARAT AND OTHERS**

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**Appearance :**
MR AMRISH K PANDYA for Petitioner.
MR LR PUJARI, AGP for Respondents.

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 10/05/2007**

**ORAL JUDGMENT**

1) Though office report suggests that respondent no.3 is not served, learned AGP, Shri Pujari enters appearance for said respondent.

2) Learned advocate Shri Pandya for the petitioner pointed out that

in case of co-detenus, by passing two separate orders both dated 8th May 2007 in Special Civil Application Nos.6230/2007 and 6234/2007 this Court had quashed the detention. Learned AGP, Shri Pujari is not in a position to dispute this fact.

3) Since the material taken into consideration by the detaining authority in all three cases is identical and since this detention also arises under identical circumstances, I have taken up the petition for hearing at the joint request of the learned advocates appearing for the parties.

4) In view of above development, without giving separate reasons, this petition is allowed. The order of detention dated 05.12.2006 passed by the Commissioner of Police, Surat City is quashed and set aside. Since the order of detention is quashed, the detenu is ordered to be released forthwith, if not required in any other case.

5) With these directions, this petition is disposed of. Rule is made absolute. Direct service is permitted.

(Akil Kureshi, J.)

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